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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,983	06/26/2003	Gary L. Taylor	TAYLORG-7	6399

7590 12/13/2004
Calif Tervo
6387 Caminito Lazaro
San Diego, CA 92111

EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,983

Applicant(s)

TAYLOR, GARY L.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06262003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 13-15, 18, and 19 are objected to because of the following informalities: change all recitations of "lock lock" to --lock--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-12 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 16 each recite a function of the invention without recitation of sufficient structure to enable the function to be effected, namely claims 1 and 16 fail to recite sufficient structure necessary to perform the claimed function of the padlock being unable to move relative to the door. Moreover, the lock housing is required to rigidly attach padlock to the door such that the padlock cannot move relative to the door.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Garner (US#6463769).

Art Unit: 3677

6. Garner discloses a secure enclosure (trailer portion of truck 2) enclosing a secure compartment, including: a doorway (opening) covered via door 8, the door having inside and outside surfaces; hasp 30; rotary shackle padlock 40 including a body, shackle, and drive means 42; and lock housing 10 attached to the outside surface of the door for reinforcing the body of the padlock and for rigidly attaching the padlock to the door, whereby the body of padlock cannot move relative to the door and the drive means is available for use via slot 24 in the lock housing.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7-13, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US36234388) in view of Garner.

9. Taylor discloses a secure mailbox 10 comprising: an enclosure 11 including a front wall, back wall, side walls, and a top; the enclosure defining a receiving compartment 12 including a tunnel and a hatch 26 defining an unsecured portal means; the enclosure defining a secure compartment 13; a hasp extending through an aperture (slot) in sliding door 67 for locking the door via a padlock (col. 3, lines 43-50); and a baffle means 90.

10. Taylor fails to disclose a lock housing attached to the door for rigidly attaching a rotary shackle padlock to the door such that lock the housing reinforces the padlock and prevents movement of the padlock relative to the door. Garner, as discussed previously, discloses a secure enclosure (trailer portion of truck 2) enclosing a secure compartment, including: a

Art Unit: 3677

doorway (opening) covered via sliding door 8, the door having inside and outside surfaces; hasp 30; rotary shackle padlock 40 including a body, shackle, and drive means 42; and lock housing 10 attached to the outside surface of the door for rigidly attaching the padlock to the door such that the lock housing reinforces the body of the padlock and whereby the body of padlock cannot move relative to the door and the drive means is available for use via slot 24 in the lock housing. The lock housing thus providing increased security for the padlock without interfering with the operation of the drive means. Therefore, as taught by Garner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taylor by including a lock housing attached to the door for rigidly attaching a rotary shackle padlock to the door such that lock the housing reinforced the padlock and prevented movement of the padlock relative to the door. The lock housing thus providing increased security for the padlock without interfering with the operation of the drive means.

11. Regarding claim 9, the corners of the lock housing are being viewed as providing a grip means.

12. Regarding claims 11 and 12, the mailbox is capable of storing items of evidence for a law enforcement agency and capable of storing keys attached to keyrings. The applicant is not positively claiming the evidence items or the keys with keyrings.

Allowable Subject Matter

13. Claims 6 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3677

14. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

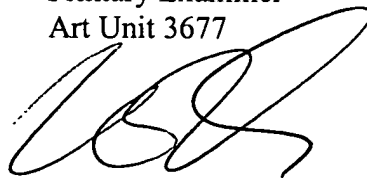
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677



WLM
12-08-2004